

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NICHITA VASILE,

09-CV-71-AC

Petitioner,

ORDER

v.

MARK NOOTH,

Respondent.

NICHITA VASILE

SID #8544890

Snake River Correctional Institution

777 Stanton Blvd.

Ontario, OR 97914

Petitioner, *Pro Se*

JOHN R. KROGER

Attorney General

JONATHAN W. DIEHL

Assistant Attorney General

Oregon Department of Justice

1162 Court Street N.E.

Salem, OR 97301-4096

Attorneys for Respondent

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#25) on February 17, 2011, in which he recommends the Court deny the Petition (#1) for Writ of Habeas Corpus, dismiss this matter, and deny a certificate of appealability. On March 3, 2011, Petitioner Nichita Vasile filed a Notice (#27) of Acceptance for Fact Contract Is Accepted For Value. To the extent Petitioner's Notice constitutes an objection to the Findings and Recommendation, the matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

In his Notice Petitioner reiterates the arguments contained in his Petition for Writ of Habeas Corpus and other filings with

this Court. The Court has carefully considered Petitioner's arguments and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#25) and, therefore, **DENIES** the Petition (#1) for Writ of Habeas Corpus, **DISMISSES** this matter **with prejudice**, and **DENIES** a certificate of appealability.

IT IS SO ORDERED.

DATED this 9th day of March, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge